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September 16, 1998

Mr. Gordie Blum
Community Involvement Coordinator
U.S. Environmental Protection Agency
Region 5 - Office of Public Affairs
Community Involvement Section
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

By Facsimile and Personal Delivery

Re: Lenz Oil of Lemont, Illinois

Dear Mr. Blum:

The following comments are respectfully submitted on behalf of RAI, Inc., formerly known as Ringier America, Inc.,; KRI, Inc., formerly known as Krueger Ringier, Inc.,; Krueger Pontiac, Inc.,; Chicago Rotoprint; and W.F. Hall Company (collectively referred to as the "Commenting Parties"); all of whom have been identified as potentially responsible parties ("PRPs") under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9601, as amended, for a portion of the response costs associated with the Lenz Oil of Lemont, Illinois, Superfund Site (the "Site").

These comments are made in response to the proposed plan of cleanup for the Site which the United States Environmental Protection Agency (the "EPA") issued on July 30, 1998 (the "Plan"). These comments were solicited by the Agency and are being submitted within the comment period extended by the Agency to include comments received by 5:00 p.m., c.d.t., September 16, 1998.

These comments are being submitted as a supplement to those comments which are being submitted by Mr. Alan Bielawski on behalf of a number of PRPs which include the Commenting Parties.

1. **Proposed Alternative 9A Does Not Materially Reduce Health Risks.**

In the Plan, the EPA proposes selection of Alternative 9A at a cost of $ 12,500,000 and has rejected the PRP Group's recommendation of Alternative 2 with its projected cost of $ 6,900,000 on grounds that the risks posed by the Site are "unacceptable" and not sufficiently addressed by Alternative 2. Yet the EPA in making this determination provides no credible evidence nor data in support.

In the Plan, the EPA refers to a Baseline Risk Assessment Study, included within the Remedial Investigation and Feasibility Study, which it caused to be conducted in order to determine the appropriateness of the remedy. However, the Risk Assessment Study was flawed from its inception. Although the study was conducted in 1993, the information upon which it relied involved conditions as they existed before the IEPA's remedial activity in 1987, which brought municipal drinking water to all citizens potentially affected by the Site's conditions. Furthermore, the Baseline Risk Assessment Study's conclusions were flawed through the use of improper assumptions. The Commenting Parties make specific reference to the EPA's direction to the PRPs that the EPA's own guidelines relative to the calculation of the natural volatization of VOCs be ignored and that the PRPs be required to assume, without support, that volatization of all VOCs at the Site would occur within a seven day period. If this volatization number is accurate, which it is not, then the EPA's proposed remedy, Alternative 9A, which involves excavation, would appear to create the precise risk of volatization that the remedy is purportedly designed to prevent.

The EPA has referred to risks associated with the movement of chemicals into the Desplaines River in order to support selection of Alternative 9A. Yet it has conceded at the public comment hearing held on August 17, 1998, as supported by data obtained in the remedial investigation study, that chemicals from the LNAPL are not leaching into the surrounding groundwater. In addition, the EPA has conceded that the LNAPL is immobile and not likely to reach the Desplaines River, or, if it did reach the river, that the level of contamination at that time would meet current environmental standards.

While the EPA mentions metal contamination in groundwater as a potentiall additional justification for selecting Alternative 9A, it correctly concludes that metals are not the primary subject of concern at the Site. In any event, the EPA has concluded that "it is not likely that these metals would pose a risk to the river due to their low levels." Indeed, the investigatory study demonstrates, and the EPA and IEPA have conceded, that there is no, or at best a minute, contaminant plume and that if any such plume does exist, it also is effectively not mobile. Furthermore, the EPA has acknowledged that the tests which support the reference to metal contamination were flawed since the test samples were negligently contaminated through improper sampling techniques.

The EPA states that "risk assessment results indicate" that risks posed by the LNAPL through skin contact, ingestion, and breathing are significant. However, the EPA also has admitted that no study was conducted to evaluate these risks. The Commenting Parties would note that while the levels of contamination within the LNAPL are high such that an independent study of the LNAPL may not be warranted, nevertheless, in order to pose a threat to health or the environment a reasonable pathway of exposure must exist to create the risk. Under current conditions and under those proposed under Alternative 2, no such pathways of exposure would exist. In contrast, the proposed remedy of Alternative 9A creates a risk of potential exposure to workers in the vicinity of the Site through excavation.

The EPA has not responded to the PRP Group's analysis demonstrating that an updated risk evaluation shows that all risks of exposure, other than that of an individual hypothetically drinking LNAPL from a well newly created on the Site, no longer exceeds unacceptable risk levels, that is, current risks have a hazard index of 1 and a cancer risk range well within acceptable levels. It is difficult to hypothesize a scenario in which a person would act in such a way as to drink LNAPL. However, even assuming for the sake of argument that a person would choose to drink or use the LNAPL, the EPA fails to explain why institutional controls would be inadequate to prevent this risk. All residents near or on the Site have fresh municipal water available for drinking and industrial use. There is no need for on-site well water usage. Furthermore, all existing wells, not installed for EPA monitoring use, have been capped or filled. Legal restrictions would prevent installation of rouge wells in the unlikely event that any person could conceivably wish to install and use such wells. In any event, a complete cessation of the risk could be obtained by removal of all residents from the Site and the permanent prevention of on-site trespassing or use. While the EPA has questioned the "long term viability" of institutional restrictions, there is no specific reason given why such protections would not prove successful. In any event, the EPA's questioning of the effectiveness of long term institutional controls is inconsistent with the EPA's own adoption of such permanent controls within the context of the Plan.

The failure of the EPAto explain the rationale for its action is particularly troublesome in light of the fact that the risk posed by on-site ingestion of contaminated LNAPL is the same, for purposes of human health, whether the contamination is 2" thick, as suggested by the EPA, or 1 millimeter thick. In other words, unless substantially more than 99% of the LNAPL contamination is removed, the same relative risk to health will result. The EPA's own guidance acknowledges this fact as consistent with its experience with LNAPL removal in numerous other sites across the nation. See *Rules of Thumb for Superfund Remedy Selection*, USEPA Guidance August 1997. Given current Site conditions, it is highly improbable that any remedial scenario will result in removal of more than 90% of the LNAPL at the Site. The net effect of this realistic assessment of removal technology is that selection of Alternative 9A will have no improved effect on

human health. If a risk exists, the risk will remain with or without excavation of the LNAPL in light of the levels at which the LNAPL can be realistically removed. Reduction of the threat of exposure is achieved not by excavation but by institutional restriction and by prevention of horizontal movement of the LNAPL. Both of these goals are achieved by Alternative 2. To select Alternative 9A, which has no reasonable likelihood favorably to effect human health and the environment and which is nearly 100% more costly than the proposed Alternative 2, is unwarranted.

2. The Proposed Plan Fails To Remove And Exacerbates The Principal Threat.

The contaminants present in the LNAPL which constitute the "principal threat" to human health at the Site are PCBs and PAHs. The results of the Remedial Investigation Study conclusively establish that while present at the Site, the oil, metals, and VOCs are not substantially threatening to human health. The Baseline Risk Assessment Study on which the EPA relies, as well as subsequent recalculations of risk, demonstrates that it is the presence of PCBs and PAHs which create the risk which arguably requires remedial treatment at the Site. Since PCBs and PAHs are found only within the LNAPL at the Site, the EPA has correctly concluded that, if anything is a threat at the Site, the LNAPL is the "principal threat."

However, the Plan fails to address the presence of a column of LNAPL located within the area previously backfilled and incinerated by the IEPA which contain high levels of PCBs and PAHs and are in contact with groundwater in a manner identical to that in the area of concern. This failure to address and remediate these other areas which pose the same threat to human health creates a serious question concerning whether the Plan will substantially contribute towards an improvement to human health and the environment. As discussed above, the continuing presence of the LNAPL in the column of contamination, if the EPA's assumptions are true, would pose the same risk to human health and the environment as the larger area of LNAPL presence. Migration, if it is assumed to occur, would similarly occur. The potential of using the wells drilled within the column of contamination also would be presented if institutional controls are considered to be suspect by the EPA. Neither Alternative 9A nor 10 nor 11 address this issue. In contrast, proposed Alternative 2 does address this issue by permanently preventing movement of LNAPL not only from the location South/Southwest of the Site, but from the column of contamination as well. As a result, Alternative 2 is ***more protective of human health and the environment*** than the proposed remedy of Alternative 9A.

In discussing the effectiveness of the Plan, the EPA acknowledges that the LNAPL may technically be unable to be removed from the fissures and crevices of bedrock in which it is believed to have migrated. Thus, at the most optimistic scenario, no more than 95% of the LNAPL present on Site would be removed by the

proposed remedy, or by any remedy involving excavation. The EPA has not assessed what risk would remain should only 90-95% of the current LNAPL be removed. Indeed because there is tangential evidence in the Remedial Investigation Study that LNAPL may remain in the bedrock underlying the area of the Site that had been previously excavated by the IEPA, there is no indication that any sizable reduction in "risk" would result from the Plan. If LNAPL is the source of contamination, LNAPL will remain under the Alternative 9A scenario offered by the EPA. The EPA's assumption that a reduction in quantity of contaminant equates, in a linear relationship, to an equal reduction of risk is unsupported by the facts, is unsupported by the scientific data accumulated at the Site, and is, most importantly, unsupported by the EPA's own experience with the removal and treatment of LNAPL in bedrock. In light of the nature of the risk, PCBs and PAHs present in LNAPL located in fractured bedrock, merely reducing the quantity of the contaminant does not equate to a reduction of risk to human health.

The proper approach to Site conditions would be to prevent any further movement of the LNAPL from its current location. Proposed Alternative 2 accomplishes this task by placement of a collection trench directly in the potential path of potential LNAPL migration. It should be noted that the EPA conceded in the public hearing that the LNAPL is stationary and immobile. The LNAPL contaminants are not leaching or partitioning to groundwater. Lateral traps to collect, contain, and remove residual LNAPL would result in permanent entrapment of any suspected contaminants. This approach is cost-effective and achieves the same, if not a better, level of risk reduction than the proposed alternative.

In contrast, Alternative 9A would have adverse effects on the environment and would be overly intrusive on local concerns. The RI indicated that surface soils, those within the top 4-6 feet of the Site, are relatively free of contamination. By exposing the subsurface soils to the air, the proposed remedy increases the inhalation, contact and ingestion threats which are meant to be reduced by the Plan. Increasing the threat to workers in the automobile wrecking plants surrounding the Site who would not be moved during Site remediation, as well as the disruption of the traffic patterns of surrounding businesses, and the potential exposure to PCBs and PAHs to the general public mitigates against a remedy involving excavation.

Both Alternative 2, 10 and 11 achieve the same reduction in risk to the environment and health but without the deleterious effects of Alternative 9A. The only distinction is that 9A may arguably achieve a reduction in contaminant volume in a shorter time frame. However, reducing contaminant volume in a shorter time frame, while increasing the short term risk to health without any measurable long term health improvement does not translate into a total reduction in the actual exposure risk. To the contrary, as the RI demonstrated, both Alternatives 2, 10, 11 and 9A reduce the aggregate quantum of risk in the same

amount. Indeed, since Alternative 2 deals with the potential of LNAPL presence which may be potentially in bedrock that cannot be excavated, Alternative 2 is more protective of health. Risk, as applied to this Site, is not time sensitive.

Moreover, Alternative 2 does represent an extremely sizable reduction of cost at the Site; a reduction of over 50%. Since the Agency has indicated an inclination to engage in the use of implementing alternative remedies through an Explanation of Significant Differences process by potentially using Alternatives 10 and 11, the EPA does not explain why such a process cannot be used within the context of selecting Alternative 2 as the preferred remedy with Alternatives 9A, 10 and 11 as options if Alternative 2 demonstrates that it is not reducing risk to health at an acceptable rate. Such a tiered approach, already adopted in concept by the EPA, would have the benefit of being cost effective and returns the EPA's focus to the reduction of the quantum of risk as opposed to its current focus on the reduction of the quantity of the contaminant medium.

3. Conclusion

The Commenting Parties would note that the Plan represents no more than EPA's recommendation for the completion of the remedial activity which the Illinois Environmental Protection Agency (IEPA) committed to undertake in a Record of Decision issued on January 17, 1986 (ROD). According to the ROD, the IEPA in 1986 committed to source removal of contaminants from the Site which included both contaminated soils and sludges. The IEPA also committed to install a cap to prevent water infiltration and commingling of contaminants with groundwater, to the installation of a slurry wall or other horizontal barrier designed to prevent lateral movement of contaminants, and, if necessary, to investigate the need for groundwater remediation.

Although the IEPA excavated an estimated 21,000 tons of soil at the Site, the IEPA failed to carry out the primary purpose of the ROD -- to adequately excavate soil and sludge contaminants. In particular, IEPA failed to take steps reasonably necessary to prevent the spread of contaminants from the Site; failed to install a cap over the Site thereby permitting rainwater and floodwater to permeate the soil which exacerbated the potential movement of contaminants at the Site; failed to install necessary slurry walls; and failed to remove all source contamination from the area which it did excavate at the Site. As a result of IEPA's failure to effectuate the tasks which it had committed to undertake in the ROD, an area of continuing contamination, at least as significant as that which the EPA is addressing in the Plan, remains at the Site and would remain should Alternative 9A be selected.

For the abovementioned reasons, selecting the proposed Remedial Alternative 9A is unwarranted and merely exacerbates the problems associated with the past remedial action at the Site. Selection of Alternative 2, with the option of

proceeding to Alternative 10 or 11 if studies reveal the success of those alternatives, would be more consistent with EPA policy guidance. Alternative 2 will provide the same level of risk reduction as the other alternatives. If the EPA is concerned with a reduction of the quantum of the contaminant medium, Alternatives 10 or 11 -- which are roughly 50% more costly that Alternative 2 -- would achieve that goal. Such an increase in cost, 50%, may be warranted in light of the reduction in time of achieving the remedy that Alternatives 10 and 11 may exhibit. However, Alternative 9A, which results in no improved reduction in health risk, increases short term risks, and is 100% more costly should not be selected.

The Commenting Parties appreciate the opportunity afforded for submitting these comments to the Agency and for the extension of time granted for submitting the comments. The Commenting Parties join with the EPA in their concern that human health and the environment be protected. The Commenting Parties urge the EPA to reconsider its position and select Alternative 2, with the option of selecting Alternatives 10 or 11, not merely because Alternative 2 is less costly, but because Alternative 2 poses less of a threat to human health and produces a means by which both the newly identified as well as the old environmental threats to human health at the Site can be controlled. Such a result cannot be achieved by Alternative 9A. Alternative 2 should be selected not because it is less costly, but because it is more globally effective at controlling Site conditions.

Yours very truly,

John J. Javor

JJJ/mtf